

Presented to the Court by the foreman of the
Grand Jury in open Court, in the presence of
the Grand Jury and FILED in the U.S.
DISTRICT COURT at Seattle, Washington.

February 13 20 20

WILLIAM M. McCOOL, Clerk

By

Deputy

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

MICHAEL JOHN SCOTT,
Defendant.

CASE NO.

CR20-018

RAJ

INDICTMENT

The Grand Jury charges that:

COUNT 1
(Conspiracy to Distribute Controlled Substances)

Beginning at a time unknown, but not earlier than December 7, 2018, and
continuing until on or about January 31, 2020, in Snohomish and Whatcom Counties,
within the Western District of Washington, and elsewhere, MICHAEL JOHN SCOTT,
and others known and unknown, did knowingly and intentionally conspire to distribute
substances controlled under Title 21, United States Code, Section 812, Schedules I and II,
to wit: heroin, methamphetamine, and N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]
propanamide (Fentanyl), contrary to the provisions of Title 21, United States Code.

The Grand Jury further alleges that MICHAEL JOHN SCOTT's conduct as a
member of the conspiracy charged in Count 1, which includes the reasonably foreseeable

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1 conduct of the other members of the conspiracy charged in Count 1, involved 5 grams
2 and more of methamphetamine, its salts, isomers, and salts of its isomers, in violation of
3 Title 21, United States Code, Section 841(b)(1)(B).

4 All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1), and
5 846.

6 **COUNT 2**

7 **(Possession of Controlled Substances With Intent to Distribute)**

8 On or about January 30, 2020, at Whatcom County, within the Western District of
9 Washington, MICHAEL JOHN SCOTT did knowingly possess, with the intent to
10 distribute, and aid and abet the possession of with the intent to distribute, substances
11 controlled under Title 21, United States Code, Section 812, Schedules I and II, to wit,
12 heroin and N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (Fentanyl).

13 The Grand Jury further alleges that this offense was committed during and in
14 furtherance of the offense charged in Count 1 (Conspiracy).

15 All in violation of Title 21, United States Code, Sections 841(a)(1) and
16 841(b)(1)(C), and Title 18, United States Code, Section 2.

17 **COUNT 3**

18 **(Possession of Controlled Substances With Intent to Distribute)**

19 On or about January 30, 2020, at Snohomish, within the Western District of
20 Washington, MICHAEL JOHN SCOTT did knowingly possess, with the intent to
21 distribute, and aid and abet the possession of with the intent to distribute, substances
22 controlled under Title 21, United States Code, Section 812, Schedules I and II, to wit,
23 methamphetamine.

24 The Grand Jury further alleges that this offense involved 5 grams and more of
25 methamphetamine, its salts, isomers, and salts of its isomers, in violation of Title 21,
26 United States Code, Section 841(b)(1)(B).

27 The Grand Jury further alleges that this offense was committed during and in
28 furtherance of the offense charged in Count 1 (Conspiracy).

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1 All in violation of Title 21, United States Code, Sections 841(a)(1) and
 2 841(b)(1)(B), and Title 18, United States Code, Section 2.

3 **COUNT 4**
 4 **(Felon in Possession of a Firearm)**

5 On or about January 30, 2020, at Snohomish County, within the Western District
 6 of Washington, MICHAEL JOHN SCOTT, knowing that he had been convicted of the
 7 following crime punishable by a term of imprisonment exceeding one year, to wit:

8 a. *Violation of the Uniform Controlled Substances Act (Possess With Intent to*
 9 *Manufacture or Deliver Cocaine)*, on October 17, 2014, in King County Superior Court,
 10 Case No. 14-1-04120-5 SEA; and

11 b. *Conspiracy to Distribute Controlled Substances*, on January 24, 2020, in
 12 the United States District Court for the Western District of Washington, Case No.
 13 CR18-5579RBL,
 14 did knowingly possess, in and affecting interstate and foreign commerce, a firearm, to
 15 wit: a Colt Delta Elite 10mm semi-automatic pistol, bearing serial number DS42017,
 16 which had been shipped and transported in interstate and foreign commerce.

17 All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

18 **ASSET FORFEITURE ALLEGATIONS**

19 ***Drug Offenses***

20 The allegations in Counts 1 through 3 of this Indictment are hereby realleged and
 21 incorporated by reference herein for the purpose of alleging forfeiture to the United
 22 States pursuant to Title 21, United States Code, Section 853.

23 Pursuant to Title 21, United States Code, Section 853, upon conviction of the
 24 felony drug offenses charged in Counts 1 through 3, defendant MICHAEL JOHN
 25 SCOTT shall forfeit to the United States of America any and all property, real or
 26 personal, constituting or derived from, any proceeds the defendants obtained, directly or
 27 indirectly, as the result of such offenses, and shall further forfeit any and all property, real
 28 or personal, used, or intended to be used, in any manner or part, to commit, or to facilitate

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the commission of, such offenses. The property to be forfeited includes, but is not limited to, the following:

- a. Fourteen thousand, one hundred dollars (\$14,100.00), more or less, seized from a 2014 black BMW 535 bearing Washington license plate BMV064, located in Whatcom County, Washington, on January 30, 2020;
- b. Nine thousand, nine hundred and eighty dollars (\$9,980.00), more or less, seized from 8024 150th Street SE, Snohomish, Washington, on January 30, 2020; and
- c. A sum of money representing the proceeds that MICHAEL JOHN SCOTT obtained as a result of the Conspiracy to Distribute Controlled Substances, as alleged in Count 1, above.

Firearms Offense

The allegations in Count 4 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

Upon conviction of the felony offense alleged in Count 4 of this Indictment, defendant MICHAEL JOHN SCOTT shall forfeit to the United States any firearms or ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 922(g), including, but not limited to, the following:

- a. One Colt Delta Elite 10mm semi-automatic pistol, bearing serial number DS42017, ammunition and a magazine, seized from 8024 150th Street SE, Snohomish, Washington, on January 30, 2020.

Substitute Assets

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;

- d. has been diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

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1 it is the intent of the United States, pursuant to Title 21, United States Code, Section
2 853(p), to seek the forfeiture of any other property of the defendants up to the value of
3 the above-described forfeitable property.

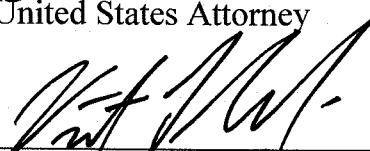
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5 A TRUE BILL:

6 DATED: February 13, 2020

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8 *(Signature of Foreperson redacted*
9 *pursuant to the policy of the Judicial*
10 *Conference of the United States)*

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FOREPERSON


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United States Attorney


VINCENT T. LOMBARDI
Assistant United States Attorney


MARC L. ELLSWORTH
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